

RESPONSE

Reconsideration and allowance of the captioned application in view of the remarks that follow is respectfully requested. These comments are intended to advance the case to issue without delay. The claims in the application are 1 and 3-27. No claim amendments are made in this response to the Office Action dated March 21, 2003.

Claims 1,3, 4, 7, 8, 10-13, 15, 18, 21, 23 and have been rejected under 35 USC §103(a) as being unpatentable over Voss et al. Voss is cited as teaching an antimicrobial composition for applying to the outer surface of the human body comprising a carrier and transition metal chelator; wherein the transition metal chelator comprises a transition chelator anion and an organic cation. It is noted that Voss does not teach a specific example wherein an organic solvent is used in his composition. However, it is noted that Voss teaches that his composition can include additional components including 1-30% amine oxide. It is further stated, however, that it is well known in the art that amine oxides can function as solvents. The Examiner makes specific reference to US 4,145,532 in support of this statement. The Examiner thus concludes that it would have been obvious for Voss to include amine oxide in the composition and that Voss would have been motivated to do this since Voss makes the suggestion. This rejection is respectfully traversed.

Applicant submits that in view of Voss it would not be obvious for one skilled in the art to include an organic material that is a solvent for the chelator/amine mixtures as claimed in the present application. The Examiner correctly points out that Voss does not give any examples in which an organic solvent is used. With regard to the comments regarding amine oxide, the applicant wishes to bring some further relevant information to the Examiner's attention.

First, the amine oxides described by Voss are restricted to those having an alkyl group (R¹¹) containing from about 10 to about 18 carbon atoms and two further groups (R¹²) bound to the N atom that are C₁₋₃ alkyl or hydroxyalkyl radicals (column 7, lines 35-46). Examples of such amine oxide are given in column 17, lines 41-55. Applicant submits that all of the amine oxides covered by Voss's general formula would be solids and therefore unsuitable for use as solvents. This is certainly true for the amine oxides listed in column 17, the lowest molecular weight of these (dimethyldodecylamine oxide) having a melting point of about 132-133°C. It is noted that, for a given group of organic materials, melting point generally increases with molecular weight.

Secondly, the amine oxides disclosed in US 4,145,532 are of relatively low molecular weight. None of the amine oxides described in this reference (for example, those disclosed at column 5, lines 29-35) come within the general formula for amine oxides given by Voss and there is nothing to suggest that such amine oxides should be used in the compositions of Voss. It is further noted these amines are described as solvents for cellulose and not as solvents for the chelator/amine mixtures disclosed by Voss.

For the above reasons, it is respectfully asserted that it is not obvious from Voss to include an organic material that is a solvent for the chelator/amine mixtures therein disclosed. Accordingly, withdrawal of this rejection under 35 USC §103(a) is respectfully requested.

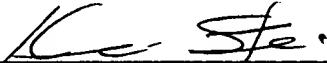
Claims 5, 6, 9, 14, 16, 17, 19, 20 22, 24, 26 and 27 have been objected to as being dependent upon a rejected base claim, but are indicated as being allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant acknowledges with thanks the Examiner's indication of allowability of the objected to claims if they are rewritten, however, as stated above, applicant respectfully traverses the rejection of the base claim.

In light of the above remarks, it is respectfully requested that the application be allowed to issue.

If a telephone conversation would be of assistance in advancing the prosecution of the present application, applicants' undersigned attorney invites the Examiner to telephone at the number provided.

Respectfully submitted,



Kevin J. Stein
Registration No. 47,966
Attorney for Applicant(s)

KJS/sa
(201) 840-2394

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